

SECTION D – SOLICITATION PROVISIONS**D.1 GENERAL PROPOSAL SUBMISSION/INSTRUCTIONS**

- a. [eOffer/eMod](#) is a web based application that allows vendors to prepare and submit their GSA Schedule offers/Schedule contract modification requests electronically. eOffer/eMod uses the latest digital authentication technology to ensure the integrity of data and to electronically sign the offer (proposal) or modification request. Digital certificates are required in order to use eOffer/eMod.

Offerors must submit a complete proposal to provide a basis for evaluation by the Government. The information provided shall be current, concise, factual and complete. Proposals that merely offer to conduct the work in accordance with the Government's requirements, "as described in the Statement of Work", or citing "generally accepted procedures" will be considered unacceptable and rejected. **Proposals that are not substantially complete will be rejected.** [ATTACHMENT 7](#) contains a checklist outlining the elements required for an offer to meet the threshold of substantial completeness. Offerors shall complete the checklist and submit it with their proposals.

- b. Commercial products and services are solicited under this solicitation along with commercial selling practices. For example, if as a commercial package, you package various goods and/or services together to achieve economies of scale or efficiencies provided certain terms and conditions are met (for example, a definite quantity is purchased), the General Services Administration would be interested in reviewing such arrangements under the Schedules program in order to provide its customers with the greatest array of choice and selection
- c. Offerors may offer on any combination of SIN(s) and are not required to offer on all SIN(s).
- d. Pricing goal: The GSA Federal Acquisition Service awards over \$5 billion dollars annually for goods and services under the schedules program; one of the largest single contracting activities in the nation. GSA has a fiduciary responsibility to the American taxpayers and to customer agencies to take full advantage of the Government's leverage in the market in order to obtain the best deal for the taxpayer. Accordingly, the U.S. General Accounting Office has specifically recommended that "the price analysis GSA does to establish the Government's MAS negotiation objective should start with the best discount given to any of the vendor's customers."¹ GSA seeks to obtain the offeror's best (i.e., most favored customer) price based on its evaluation of discounts, terms, conditions, and concessions offered to commercial customers. **Offerors inquire frequently as to a means of facilitating the processing of their contract offers. There are many factors involved, but all things being equal, an initial MFC offer requires less review and analysis and is therefore more likely to be finalized rapidly.**
- e. Note Registration in CCR, ORCA (Online Representations and Certifications Application), a Dun and Bradstreet Open Ratings Report and Past Performance Evaluation request form must be completed prior to submission of offer.

¹ GAO/CGD-93-123, Multiple Award Schedule Contracting, August 1993

D.2 ADDENDUM TO 52.212-1 – PROPOSAL INSTRUCTIONS

*Read the entire solicitation document prior to preparation of your offer.
Offers submitted with substantial deficiencies will be rejected.*

Section I: Administrative Requirements

- Fill in all blanks and check mark all boxes with the necessary information. If something doesn't apply, insert N/A.
- Don't change any text or formatting. If you are taking exception to a contract term and condition, use a separate sheet of paper and identify, by clause and paragraph number, what you are taking exception to.
- Submit a copy of your firm's audited annual report, an audited consolidated financial statement or such other financial information that clearly demonstrates your current assets, accounts receivables, and current liabilities.
- If you are a large business, submit a Small Business and Small Disadvantaged Business Subcontracting Plan (use [ATTACHMENT 8](#) as a sample. We'll review the plan and make sure it is consistent with the provisions in Clause 52.219-71. Subcontracting plans are subject to negotiations along with the terms and conditions of any contract resultant from this solicitation. You are hereby informed that failure to submit the subcontracting plan shall make you ineligible for contract award.

With regard to FAR 52.219-9 requirements, the following are the statutory targets or goals which you should consider and strive to attain when allocating subcontracting effort. It should be noted that these are not mandatory and your subcontracting goals may vary based upon: (1) your approach to satisfying solicitation requirements; and, (2) the available subcontracting opportunities allowed for in your approach.

Small Business	37.0%
Small Disadvantaged (SDB)	6.0%
Woman-Owned Small	5.0%
HubZone Certified Small	3.0%
Service-Disabled Veteran Small	3.0%
Veteran-Owned Small	5.0%

- Do you plan on routinely using subcontractors to fulfill contract requirements? ☐ Yes ☐ No. If yes, please provide a letter of commitment from each subcontractor.
- Complete and submit the Cover Page to Offer ([ATTACHMENT 6](#)) and Proposal Checklist ([ATTACHMENT 7](#)) which contains a checklist outlining the elements required for an offer to meet the threshold of substantial completeness.
- Submit your offer electronically through eOffer.

Section II: Technical Proposal

All pages should be typed standard, single-spaced, 8 1/2" x 11" pages in 12-point font size.

The technical proposal is comprised of four factors. Factor One (Technical Capability) Factor Two (Corporate Experience), Factor Three (Management Capabilities) and Factor Four (Past Performance).

All offers shall address these factors as instructed below. If the offeror is proposing multiple Special Item Numbers (SINs), they shall clearly identify each SIN with the corresponding technical information. Please provide a narrative for each of the following sections to demonstrate your company's capabilities in satisfying all underlying requirements listed below.

Factor 1 Technical Capability [APPLICABLE TO ALL SINS]

Describe your field of expertise and how your firm intends to accomplish agency tasks presented under any resultant Travel Services Solution contract. Include a plan of accomplishment that demonstrates your organizational and accounting controls and quality measures proposed, ability to acquire the type and kinds of personnel proposed, and discuss the use of subcontractors if applicable. You need to demonstrate how you will ensure the quality of the services provided for both the overall contract and individual task orders. **Page limit – 10 pages for each SIN offered.**

Factor 2 Corporate Experience [APPLICABLE TO ALL SINS]

Submit a two page (maximum) narrative describing the company's corporate experience in all services proved under this Schedule, regardless of the number of SINs being offered. Your company must have provided the type of professional services under this schedule to either a Government or Commercial entity for a minimum of two years. At a minimum, your narrative must include the following:

- (i) Organization's number of years of corporate experience in the services described in Part I of the solicitation.
- (ii) Organization's size, experience in the field, and resources available to enable the offeror to fulfill requirements.
- (iii) Brief history of the organization's activities contributing to the development expertise and capabilities related to this requirement.
- (iv) Information that demonstrates the offeror's organization and accounting controls and manpower presently in hours or the ability to acquire this type and kinds of personnel proposed.
- (v) Describe/identify how you intend to market services to federal clients.
- (vi) Discuss the use of subcontractors. If applicable a letter of commitment is required to cover the term of the contract.

Factor 3 Management Capabilities [APPLICABLE TO ALL SINS]

The offeror shall describe their management approach in narrative format. At a minimum, the offerors shall address the following points:

- Identify the key personnel to be assigned to this contract and supply resumes to include technical expertise, background, experience, and current job functions (resumes will not be included in the 5 page limit).

- Describe how key personnel will handle their workload as well as how multiple task orders and oversight will be managed as it pertains to the services solicited.
- Submit a current organizational chart, describing the various key positions and how they will be staffed, as well as your firm's training and recruiting practices as it relates to Travel Services Solutions.
- Describe how your firm will manage contract requirements, including reporting.

Page Limit – 5 Pages. Offers that exceed this page limitation for this Factor shall be rejected.

Factor 4 **Past Performance** [*APPLICABLE TO ALL SINS*]

The Offeror shall order and obtain a Past Performance Evaluation from Open Ratings, Inc. (ORI). See (ATTACHMENT 9). Offerors are responsible for payment to ORI for the Past Performance Evaluation.

- (i) Past Performance evaluations are valid for a period of one year from date of issuance by ORI. The submission of an evaluation issued more than one year prior to the date of proposal submission will result in rejection of the proposal.
- (ii) The offeror shall submit one (1) copy of the completed Past Performance Evaluation and one (1) copy of the order form (including information on up to 20 customer references with its proposal). Failure to submit the order form and the completed evaluation with the offer will result in rejection of the proposal. A "customer reference" is defined as a person or company that has purchased services from your firm.
- (iii) Offeror is advised to use references from projects involving services related to this solicitation and /or those performed under the appropriate NAICS code (s) related to services offered. If these references were not provided to ORI, please explain why.
- (iv) The offeror shall address any negative feedback contained in the ORI report. Explain what actions your firm has taken to minimize the problems that resulted in negative feedback.

IF ANY ONE FACTOR (Factors 1-4) above is found to be deficient, the Offer may be rejected in its entirety.

Section III: Pricing

- a) Submit an electronic copy of the pricing section to facilitate and speed the government's price analysis. The electronic file must be readable in a Windows operating system (e.g., .DOC; .XLS)).
- b) Pricing shall be provided using the appropriate pricing format shown in [ATTACHMENT 2](#). **Be sure to identify the Special Item Number(s) offered on the Pricing Format(s).** Commercial pricing practices

are solicited. This may include, but not be limited to, multi-tiered pricing reflecting different fees based upon the level of manual oversight or involvement required for given transactions, as opposed to automated, electronic transactions requiring no or more limited intervention; separate fee for ETS/DTS-assisted transactions; separate fees for refunding/not refunding international airfare commissions to agencies; management fee pricing structures, etc. All offered commercial pricing proposed must be fully detailed, explained and supported in order for the pricing structure to be made available to ordering agencies. To support the prices proposed in the Schedule of Items, you need to include the following information:

- Sufficient information for each service or product offered to enable the Contracting Officer to determine that the items are fair and reasonable. Pricing must be furnished in sufficient detail to enable the Contracting Officer to perform a price analysis in accordance with FAR 15.404-1(b).
- If offering labor categories, provide descriptions of the labor categories offered. Descriptions may be provided on a separate sheet. (Include minimum training, certifications, education, and experience requirements.)
- If rates are audited by a Federal Agency, include this information in the narrative. However, this is the least preferred method of establishing price reasonableness.
- Specific to SIN 599-2, Travel Agent Services: For proposals based on other than a per transaction model, the offeror shall also describe how it will convert pricing into a per transaction model for IFF purposes.

c) You need to include the following:

- Completed commercial sales practice format (CSPF) ([ATTACHMENT 10](#)) for each SIN offered, demonstrating comparative pricing with your most favored customer(s). By the term “most favored customer,” that means the customer that gets the best price, period. A general explanation of the circumstances and frequency of deviations from those practices (if any) must be included as well as a discussion of the salient selling terms and conditions (e.g., minimum guarantees, payment terms, etc.). If necessary, the Contracting Officer may request that the offeror provide transactional information (e.g. invoices where these services or labor categories have been “sold” before). GSA requires that all offerors provide current, accurate, and complete information. A separate CSP must be completed for each pricing structure proposed. If the same pricing structure is used for multiple SIN(s), only one CSP is required. Please note, the contents contained in the CSPF will be held in confidence and not subject to release subject to the provisions of the Freedom of Information Act.
- Designate the CSPF information as confidential commercial information. In the event of a Freedom of Information Act (FOIA) request for disclosure of the CSPF information, GSA will withhold the CSPF under the fourth statutory exemption under FOIA. This exemption allows GSA to withhold commercial or financial records if release of the information would involve a substantial risk of competitive injury to the business that furnished the information (5 U.S.C. § 552(b)(4)).

- Discussion of why the offeror believes pricing is fair and reasonable and how it relates to most favored customer pricing. Provide supporting documentation. If GSA is not offered discounts, terms and conditions equal to or better than your most favored customer (the lowest price), provide an explanation why.

d) Pricing shall be presented in one of the following pricing formats:

- For pricing based on Commercial Price Lists, catalog prices or market prices (aka commercial price list), provide two copies of your current published Commercial Price List as indicated under clause 552.212-70 PREPARATION OF OFFER (MULTIPLE AWARD SCHEDULE) along with your pricing.
- For pricing based on other than commercial price lists, provide information related to prices (e.g., market prices, internal business memo, quote sheets, etc.) offered commercially. **Provide information on prices that similar items are sold (commercial or Government sales).**

If requested by the Contracting Officer, offerors shall provide cost information other than cost or pricing data which is not certified. This data should show how the offeror arrived at the proposed prices, e.g. Hourly Rate + Overhead + G & A + Fee + Industrial Funding Fee (IFF) = the proposed rate for each labor category proposed. The data may include all direct costs, indirect costs, profit, and any other factor(s) that contribute to the proposed total price. The breakouts should clearly indicate the dollar amounts and percentages for each factor. A price certification is not required. **(This information may be required if the Contracting Officer cannot determine fair and reasonable pricing)**

NOTE: A determination that the submission is unacceptable or that an offeror's price is not fair and reasonable will result in that offeror not receiving a contract award.

Offerors shall specify the Labor Category (ies) proposed (e.g. the hourly and /or daily rates for each), as applicable. For those services based on labor rates, the total price for services will be established at the time the Task Order is placed and will be based on the prices offered herein. The number of hours negotiated with the ordering agency and the labor category (ies) provided will be shown on the resultant Task Order. Prices for Labor Category(ies) proposed (e.g. with the hourly and/or daily rates for each) shall include applicable Contract Support Items. Wherever the offeror knows of specific contract support items that will regularly be incurred, they should offer them.

Orders placed under this solicitation will be firm-fixed price with an allowance for labor hours or time and materials, as appropriate; and in accordance with regulations and procedures. If the agency Contracting Officer chooses to purchase from a SIN on a Labor Hour basis, the resultant Task Order shall specify the Not to Exceed price, the Labor Category(ies) proposed (e.g., the hourly and/or daily rates for each), and any applicable Contract Support Items.

D.3 CP-FSS-19 PRICING (DEC 1998)

Offerors are advised that separate pricing may be submitted for different countries if separate pricing is consistent with the offeror's commercial sales practice.

D.4 52.215-20 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA (OCT 1997) (ALTERNATIVE IV-OCT 1997)

- (a) Submission of cost or pricing data is not required.
- (b) Provide information described below:
 - (1) An offer prepared and submitted in accordance with the clause at [552.212-70](#), Preparation of Offer (Multiple Award Schedule).
 - (2) Commercial sales practices. The Offeror shall submit information in the format provided in this solicitation in accordance with the instructions at [FIGURE 515.4-2](#) of the GSA Acquisition Regulation; or submit information in the Offeror's own format.
 - (3) Any additional supporting information requested by the Contracting Officer. The Contracting Officer may require additional supporting information, but only to the extent necessary to determine whether the price(s) offered is fair and reasonable.
 - (4) By submission of an offer in response to this solicitation, the Offeror grants the Contracting Officer or an authorized representative the right to examine, at any time before initial award, books, records, documents, papers, and other directly pertinent records to verify the pricing, sales and other data related to the supplies or services proposed in order to determine the reasonableness of price(s). Access does not extend to offeror's cost or profit information or other data relevant solely to the offeror's determination of the prices to be offered in the catalog or marketplace.

Sufficient information for each service or product offered must be furnished in enough detail to enable the Contracting Officer to make the determination that the proposed prices are fair and reasonable. For each SIN proposed, provide information such as the following:

- 1. A published and dated catalog showing the prices, or;
- 2. A published and dated price list showing the prices, or;
- 3. An internal memorandum or other document showing normal or special government prices, or;
- 4. An internal memo, quote sheet or other document showing normal or special commercial prices, or;
- 5. Internal memo, quote sheet or other document which verifies your pricing structure for your commercial customers, or;
- 6. Internal memo, quote sheet or other document which verifies your pricing structure for your government customers, or;
- 7. Any other type of document which can help the Contracting Officer determine that your proposed rates are fair and reasonable.

D.5 552.212-70 PREPARATION OF OFFER (MULTIPLE AWARD SCHEDULE) (AUG 1997)

- (a) Definitions. *Concession*, as used in this solicitation, means a benefit, enhancement or privilege (other than a discount), which either reduces the overall cost of a customer's acquisition or encourages a customer to consummate a purchase. Concessions include, but are not limited to freight allowance, extended warranty, extended price guarantees, free installation and bonus goods.

Discount, as used in this solicitation, means a reduction to catalog prices (published or unpublished). Discounts include, but are not limited to, rebates, quantity discounts, purchase option credits, and any other terms or conditions other than concessions) which reduce the amount of money a customer ultimately pays for goods or services ordered or received. Any net price lower than the list price is considered a "discount" by the percentage difference from the list price to the net price.

- (b) For each Special Item Number (SIN) included in an offer, the Offeror shall provide the information outlined in paragraph (c). Offerors may provide a single response covering more than one SIN, if the information disclosed is the same for all products under each SIN. If discounts and concessions vary by model or product line, offerors shall ensure that information is clearly annotated as to item or items referenced.
- (c) Provide information described below for each SIN:
- (1) Two copies of the offeror's current published (dated or otherwise identified) commercial descriptive catalogs and/or price list(s) from which discounts are offered. If special catalogs or price lists are printed for the purpose of this offer, such descriptive catalogs or price lists shall include a statement indicating the special catalog or price list represent a verbatim extract from the Offeror's commercial catalog and/or price list and identify the descriptive catalog and/or price list from which the information has been extracted.
 - (2) Next to each offered item in the commercial catalog and/or price list, the Offeror shall write the special item number (SIN) under which the item is being offered. Unless a special catalog or price list is submitted, all other items shall be marked "excluded," lined out, and initialed by the offeror.
 - (3) The discount(s) offered under this solicitation. The description of discounts offered shall include all discounts, such as prompt payment discounts, quantity/dollar volume discounts (indicate whether models/products can be combined within the SIN or whether SINs can be combined to earn discounts), blanket purchase agreement discounts, or purchase option credits. If the terms of sale appearing in the commercial catalogs or price list on which an offer is based are in conflict with the terms of this solicitation, the latter shall govern.
 - (4) A description of concessions offered under this solicitation which are not granted to other customers. Such concessions may include, but are not limited to, an extended warranty, a return/exchange goods policy, or enhanced or additional services.
- (d) If the Offeror is a dealer/reseller or the Offeror will use dealers to perform any aspect of contract awarded under this solicitation, describe the functions, if any, that the dealer/reseller will perform.

D.6 CP-FSS-3 NOTICE: REQUESTS FOR EXPLANATION OR INFORMATION (MAR 1996)

Oral or written requests for explanation or information regarding this solicitation should be directed to:

GENERAL SERVICES ADMINISTRATION
FAS, Travel Acquisition Support Division (QMAD)
2200 Crystal Drive, Suite 300
Arlington, VA 22202

Contracting Division (703) 605-5616 or email at onthego@gsa.gov

D.7 CLARIFICATIONS OR AMENDMENTS TO THE SOLICITATION

Information relative to the solicitation or any amendments thereto will be posted electronically via the Internet at the following address:

<http://www.fbo.gov>

A signed acknowledgment in hard copy form is required with the submission of an offer.

D.8 L-FSS-400 INTRODUCTION OF NEW SERVICES/PRODUCTS (INSP) (NOV 2000)

(a) Definition.

Introduction of New Services/Products Special Item Number (INSP/SIN) means a new or improved service or product— within the scope of the Federal Supply Schedule, but not currently available under any Federal Acquisition Service contract— that provides a new service, function, task, or attribute that may provide a more economical or efficient means for Federal agencies to accomplish their mission. It may significantly improve an existing service or product. It may be a service or product existing in the commercial market, but not yet introduced to the Federal Government.

- (b) Offerors are encouraged to introduce new services or products via the Introduction of New Services/Products Special Item Number (INSP/SIN). A new or improved service or product can be offered at anytime. Offerors are requested to clearly identify the INSP/SIN item in the offer.
- (c) The Contracting Officer will evaluate and process the INSP/SIN offer. A technical review may be performed. Offerors may be required to demonstrate that the service or product can provide a more economical or efficient means for Federal agencies to accomplish their mission. The Contracting Officer has the sole discretion to determine whether a product or service will be accepted as an INSP/SIN item. The INSP/SIN provides temporary placement until the new service or product can be formally categorized.
- (d) If the Contractor has an existing Multiple Award Schedule contract, the Government may, at the sole discretion of the Contracting Officer, modify the existing contract to include the INSP/SIN item in accordance with [552.243-72](#), Modifications (Multiple Award Schedule).

D.9 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE REVIEW (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

D.10 52.216-1 TYPE OF CONTRACT (APR 1984) (TAILORED)

The Government contemplates award of a fixed price contract with economic price adjustment resulting from this solicitation.

D.11 EVALUATION—COMMERCIAL ITEMS (MULTIPLE AWARD SCHEDULE) (552.212-73) (AUG 1997)

- (a) The Government may make multiple awards for the supplies or services offered in response to this solicitation that meet the definition of a "commercial item" in FAR 52.202-1. Awards may be made to those responsible offerors that offer reasonable pricing, conforming to the solicitation, and will be most advantageous to the Government, taking into consideration the multiplicity and complexity of items of various manufacturers and the differences in performance required to accomplish or produce required end results, production and distribution facilities, price, compliance with delivery requirements, and other pertinent factors. By providing a selection of comparable supplies or services, ordering activities are afforded the opportunity to fulfill their requirements with the item(s) that constitute the best value and that meet their needs at the lowest overall cost.
- (b) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

D.12 EVALUATION FACTORS FOR AWARD

The Government will make an award to the responsible offeror(s) whose offer conforms to the solicitation, and whose prices are determined to be fair and reasonable.

The Government will evaluate the proposal for acceptability on each Special Item Number (SIN) offered as stated in Paragraph D.2. If any one area of the proposal is determined to be unacceptable, then the evaluation of that SIN will conclude and the offer will not be further evaluated for that SIN.

Once a proposal has been determined to be acceptable, then the Contracting Officer will determine if the offeror's Past Performance history is satisfactory.

Offerors who have submitted acceptable proposals will then be evaluated for price reasonableness.

D.13 EVALUATIONS BY ORDERING AGENCIES AFTER AWARD

Ordering agencies are encouraged by GSA, prior to placing an order with a contractor, to conduct an evaluation to determine that a best value purchase is made specific to the task. This could entail the ordering agency:

- (a) Requiring resumes of personnel proposed to do work under the task
- (b) Requiring limited technical proposals to determine each offeror's understanding of the requirements
- (c) Requiring information relevant to gauge experience of the firm in providing the service
- (d) Requiring price and/or technical proposals from teams/partners in order to determine overall best value for the entire scope of work projected

D.14 L-FSS-101 FINAL PROPOSAL REVISION (JUN 2002)

(a) Upon the conclusion of discussions the Contracting Officer will request a final proposal revision. Oral requests will be confirmed in writing.

(b) The request will include--

- (1) Notice that discussions are concluded;
- (2) Notice that this is the opportunity to submit a final proposal revision;
- (3) The specified cutoff date and time;
- (4) A statement that any modification proposed as a result of the final proposal revision must be received by the date and time specified and will be subject to the Late Submissions, Modifications, and Withdrawals of Proposals provision of this solicitation.

(c) The Contracting Officer will not reopen discussions after receipt of final proposal revisions unless it is clearly in the interests of the Government to do so. If discussions are reopened, the Contracting Officer will issue an additional request for final proposal revision.

(d) It is the Contracting Officer's desire to conclude negotiations within 120 calendar days after receipt of offer.

D.15 L-FSS-59 AWARD (APR 1984)

Until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made.

D.16 552.233-70 PROTESTS FILED DIRECTLY WITH THE GENERAL SERVICES ADMINISTRATION (MAR 2000)

(a) The following definitions apply in this provision:

“Agency Protest Official for GSA” means the official in the Office of Acquisition Policy designated to review and decide procurement protests filed with GSA.

“Deciding official” means the person chosen by the protester to decide the agency protest. The deciding official may be either the Contracting Officer or the Agency Protest Official.

- (b) The filing time frames in FAR 33.103(e) apply. An agency protest is filed when the protest complaint is received at the location the solicitation designates for serving protests. GSA’s hours of operation are 8:00 a.m. to 4:30 p.m. Protests delivered after 4:30 p.m. will be considered received and filed the following business day.
- (c) A protest filed directly with the General Services Administration (GSA) must:
 - (1) Indicate that it is a protest to the agency.
 - (2) Be filed with the Contracting Officer.
 - (3) State whether the protester chooses to have the Contracting Officer or the Agency Protest Official for GSA decide the protest. If the protest is silent on this matter, the Contracting Officer will decide the protest.
 - (4) Indicate whether the protester prefers to make an oral presentation, a written presentation, or an oral presentation confirmed in writing, of arguments in support of the protest to the deciding official.
 - (5) Include the information required by FAR 33.103(d)(2):
 - (i) Name, address, fax number, and telephone number of the protester.
 - (ii) Solicitation or contract number.
 - (iii) Detailed statement of the legal and factual grounds for the protest, to include a description of resulting prejudice to the protester.
 - (iv) Copies of relevant documents.
 - (v) Request for a ruling by the agency.
 - (vi) Statement as to the form of relief requested.
 - (vii) All information establishing that the protester is an interested party for the purpose of filing a protest.
 - (viii) All information establishing the timeliness of the protest (see paragraph (b) of this provision).
- (d) An interested party filing a protest with GSA has the choice of requesting either that the Contracting Officer or the Agency Protest Official for GSA decide the protest.

- (e) The decision by the Agency Protest Official for GSA is an alternative to a decision by the Contracting Officer. The Agency Protest Official for GSA will not consider appeals from the Contracting Officer's decision on an agency protest.
- (f) The deciding official must conduct a scheduling conference with the protester within three (3) days after the protest is filed. The scheduling conference will establish deadlines for oral or written arguments in support of the agency protest and for agency officials to present information in response to the protest issues. The deciding official may hear oral arguments in support of the agency protest at the same time as the scheduling conference, depending on availability of the necessary parties.
- (g) Oral conferences may take place either by telephone or in person. Other parties (e.g., representatives of the program office) may attend at the discretion of the deciding official.
- (h) The following procedures apply to information submitted in support of or in response to an agency protest:
 - (1) The protester and the agency have only one opportunity to support or explain the substance of the protest (either orally, in writing, or orally confirmed in writing).
 - (2) GSA procedures do not provide for any discovery.
 - (3) The deciding official has discretion to request additional information from either the agency or the protester. However, the deciding official will normally decide protests on the basis of information provided by the protester and the agency.
 - (4) Except as provided in paragraph (5)(ii) below, the parties are encouraged, but not required, to exchange information submitted to the Agency Protest Official for GSA.
 - (5) If the agency makes a written response to the protest, the following filing requirements apply unless the deciding official approves other arrangements:
 - (i) The agency must file its response to the protest with the deciding official within five (5) days after the filing of the protest.
 - (ii) The agency must also provide the protester with a copy of the response on the same day it files the response with the deciding official. If the agency believes it needs to redact or withhold any information in the response from the protester, it must obtain the approval of the deciding official.
 - (6) Any additional information that either party wants to submit in writing after one-time oral arguments in support of the agency protest, must be received by the deciding official within two (2) days after the date of the oral arguments.
- (i) The deciding official will resolve the protest through informal presentations or meetings to the maximum extent practicable.
- (j) An interested party may represent itself or be represented by legal counsel. GSA will not reimburse the party for any legal fees related to the agency protest.

- (k) GSA will stay award or suspend contract performance in accordance with FAR 33.103(f). The stay or suspension, unless over-ridden, remains in effect until the protest is decided, dismissed, or withdrawn.
- (l) The deciding official will make a best effort to issue a decision on the protest within twenty-eight (28) days after the filing date. The decision may be oral or written. If the decision is communicated orally to the protester, the deciding official will confirm in writing within three (3) days after the decision.
- (m) GSA may dismiss or stay proceedings on an agency protest if a protest on the same or similar basis is filed with a protest forum outside of GSA.

D.17 52.233-2 SERVICE OF PROTEST (AUG 1996)

- (a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

General Services Administration, FAS
Travel Acquisition Support Division, QMAD
2200 Crystal Drive
Crystal Plaza 4, Room 300
Arlington, VA 22202
RFP #QMAD-CY-090001-B

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.